



# House of Representatives

General Assembly

**File No. 499**

February Session, 2014

Substitute House Bill No. 5506

*House of Representatives, April 10, 2014*

The Committee on Planning and Development reported through REP. ROJAS of the 9th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING SCRAP METAL SOLD ON BEHALF OF MUNICIPALITIES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 21-11a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2014*):

3 (a) A scrap metal processor, as defined in section 14-67w, shall  
4 record, for all loads of scrap metal purchased or received by such  
5 processor, a description of such scrap metal, the weight of such metal,  
6 the price paid for such metal and the identification of the person who  
7 delivered such metal. Such scrap metal processor shall take a  
8 photograph of the motor vehicle delivering such scrap metal,  
9 including the license plate of such vehicle. Such scrap metal processor  
10 shall not be required to segregate scrap metal it receives from other  
11 materials on its premises and hold the same for five days except for  
12 wire or cable that could be used in the transmission of  
13 telecommunications or data or scrap equipment, wire or cable that

14 could be used in the transmission or distribution of electricity by an  
15 electric distribution company unless purchased from (1) a person  
16 licensed pursuant to section 29-402 to engage in the business of  
17 demolition of buildings, or (2) a person who has already segregated  
18 such scrap metal pursuant to this chapter and such person provides  
19 such scrap metal processor with a written statement affirming such  
20 segregation. Upon receipt of a load of scrap metal [which] that  
21 contains wire or cable that could be used in the transmission of  
22 telecommunications or data or scrap equipment, wire or cable that  
23 could be used in the transmission or distribution of electricity by an  
24 electric distribution company, such scrap metal processor shall take a  
25 photograph of the motor vehicle delivering such scrap metal,  
26 including the license plate of such vehicle, and of such load of scrap  
27 metal. Upon receipt of wire or cable that could be used in the  
28 transmission of telecommunications or data or scrap equipment, wire  
29 or cable that could be used in the transmission or distribution of  
30 electricity by an electric distribution company, such scrap metal  
31 processor shall make a copy of the certificate of registration of such  
32 vehicle, record a description of the material received, and record a  
33 statement as to the location from which the material came.

34 (b) The scrap metal processor shall maintain the documents,  
35 photographs and other records required under subsection (a) of this  
36 section in good condition and shall retain such records for a period of  
37 not less than two years. Such records shall be open for inspection by  
38 law enforcement officials upon request during normal business hours.

39 (c) A scrap metal processor, junk dealer or junk yard owner or  
40 operator shall immediately notify a municipal law enforcement  
41 authority in the municipality in which such scrap metal processor,  
42 junk dealer or junk yard is located of the name, if known, and motor  
43 vehicle license plate number, if available, of any person offering to sell  
44 [a] public property to a scrap metal processor, junk dealer or junk yard  
45 owner or operator without presenting a letter of authorization  
46 pursuant to subsection (e) of this section. For purposes of this section,  
47 "public property" means property owned and maintained by a

48 municipality, the state, the United States or any quasi-governmental  
49 entity and shall include, but not be limited to, any bronze statue,  
50 plaque, historical marker, cannon, cannon ball, bell, lamp, lighting  
51 fixture, lamp post, architectural artifact or similar item [to such scrap  
52 metal processor, junk dealer or junk yard owner or operator] and any  
53 item associated with public streets and sidewalks, including manhole  
54 covers or other types of utility access covers, highway and street signs,  
55 guardrails for bridges, highways and roads and traffic control signals  
56 and devices.

57 (d) No scrap metal processor, junk dealer or junk yard owner or  
58 operator may purchase or receive a stainless steel or aluminum alloy  
59 beer or other beverage keg container if such container is marked with  
60 an indicia of ownership of any person or entity other than the person  
61 or entity presenting such container for sale. For purposes of this  
62 subsection, "indicia of ownership" means words, symbols or a  
63 registered trademark printed, stamped, etched, attached or otherwise  
64 displayed on such container that identify the owner of such container.

65 (e) No scrap metal processor, junk dealer or junk yard owner or  
66 operator may purchase or receive public property from a municipality  
67 unless the person delivering such property presents at the time of  
68 delivery a letter on the letterhead of the municipality authorizing such  
69 purchase or receipt and signed by either (1) the chief executive officer  
70 of the municipality, or (2) the head of the municipal department  
71 responsible for maintaining such public property. The scrap metal  
72 processor, junk dealer or junk yard owner or operator shall send any  
73 moneys paid for such municipal property to the official designated in  
74 the letter of authorization.

75 [(e)] (f) A scrap metal processor who has purchased scrap metal that  
76 is subsequently determined to have been stolen and is returned to the  
77 owner of such metal shall have a civil cause of action against the  
78 person from whom such metal was purchased.

79 [(f)] (g) A first violation of subsection (a), (b), (c), [or] (d) or (e) of  
80 this section shall be a class C misdemeanor. A second violation of any

81 of said subsections shall be a class B misdemeanor and a third or  
82 subsequent violation of any of said subsections shall be a class A  
83 misdemeanor.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2014	21-11a

**PD**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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**OFA Fiscal Note****State Impact:**

Agency Affected	Fund-Effect	FY 15 \$	FY 16 \$
Resources of the General Fund	GF – Potential Revenue Gain	Minimal	Minimal

**Municipal Impact:**

Municipalities	Effect	FY 15 \$	FY 16 \$
All Municipalities	Savings	Potential Minimal	Minimal Potential

**Explanation**

The bill makes it illegal for scrap metal processors, junk dealers, or junk yard owners to purchase or receive municipal property unless the seller presents a letter from the municipality authorizing the sale. There is a potential savings, expected to be minimal, to the extent that this discourages theft of municipal property and reduces municipal costs to replace stolen property.

The bill extends the violation of scrap metal provision and results in a potential minimal revenue gain for fines associated with potential violations. In FY 13 there were no convictions or revenue associated with this current law.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****sHB 5506*****AN ACT CONCERNING SCRAP METAL SOLD ON BEHALF OF MUNICIPALITIES.*****SUMMARY:**

This bill makes it illegal for scrap metal processors, junk dealers, or junkyard owners or operators (processors, dealers, or owners) to purchase or receive municipal property unless they receive a letter, at delivery, from the municipality authorizing the transaction. The letter must be on municipal letterhead and signed by either the municipal (1) chief executive officer or (2) head of the department responsible for maintaining the property. Under the bill, payment for the property must be sent to the municipal official designated in the letter.

The bill also eliminates the requirement that processors, dealers, or owners notify municipal law enforcement authorities when someone tries to sell certain privately owned property. Under the bill, notification is required only when someone tries to sell public property without a municipal authorization letter.

Violations of the bill's requirements are misdemeanors, subjecting violators to fines, imprisonment, or both.

EFFECTIVE DATE: October 1, 2014

**SALE OF PUBLIC PROPERTY*****Notice to Law Enforcement Authorities***

Under current law, processors, dealers, or owners must immediately notify municipal law enforcement authorities when anyone offers to sell a bronze statue, plaque, historical marker, cannon or cannon ball, lamp or lamp post, lighting fixture, architectural artifact, or similar item (covered items).

The bill:

1. limits the notice requirement to offers to sell public property without a municipal authorization letter and
2. expands the covered items to include items associated with public streets and sidewalks such as manhole or utility access covers, highway and street signs, guardrails, and traffic control signals and devices.

The bill defines “public property” as property owned and maintained by a municipality, the state or federal government, or any quasi-governmental entity. It is unclear under the bill how (1) processors, dealers, or owners will differentiate between private and public property and (2) governmental entities other than municipalities can sell property without triggering the notice requirement.

### **Penalties**

The bill extends the penalties under existing law for violating scrap metal sales laws to processors, dealers, or owners who violate the bill’s requirements. Table 1 lists the fines and prison terms associated with these penalties.

**Table 1: Penalties for Scrap Metal Sales Violations**

<i>Violation</i>	<i>Classification</i>	<i>Maximum Prison Term</i>	<i>Maximum Fine</i>
First	Class C misdemeanor	3 months	\$500
Second	Class B misdemeanor	6 months	\$1,000
Third and subsequent	Class A misdemeanor	1 year	\$2,000

### **COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable Substitute

Yea 20 Nay 0 (03/25/2014)